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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,437	11/17/2001	John E. Auer	2000P09058US01	3902

7590 08/03/2006

Jack J Schwartz & Associates
Suite 1507 1350 Broadway
New York, NY 10018-7702

EXAMINER

LE, LINH GIANG

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/991,437	Applicant(s) AUER ET AL.	
	Examiner Linh-Giang Le	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>111701, 100603</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 26 April 2006. Claims 1-20 remain pending. Claims 1-20 remain pending. Claims 1, 10, 15, and 19 have been amended.

Claim Rejections - 35 USC § 102

2. The rejection of claims 1-6 and 9-20 under 102(b) as being anticipated by Evans (5,924,074) is hereby withdrawn due to the amendment filed 26 April 2006.

Claim Rejections - 35 USC § 103

3. The rejection of claims 7 and 8 under 103(a) as being unpatentable over Evans in view of Official Notice is hereby withdrawn due to the amendment filed 26 April 2006.
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaya (5,447,164) in view of Nolan (5,253,362).

6. As per claim 1, Shaya teaches a network compatible system for displaying medical information derived from a plurality of sources (Shaya; Abstract). Shaya further teaches a user interface comprising:

A communication processor for acquiring patient medical data (Shaya; Fig. 2 and Col. 3, lines 61-66);

A processor for prioritizing acquired patient medical data for display in a desired order and for identifying specific set of displayed data parameters within said displayed medical data during a user determined time interval in response to a user selection command (Shaya; Col. 4; lines 62-67); and

Shaya does not expressly teach a display generator for generating a first window automatically including said displayed medical data and a second window in response to user activation of a displayed icon including said identified specific set of displayed data parameters and user entered text messages corresponding to said specific set of data parameters (Nolan; Col. 5, lines 14-20). However, this is well known in the art as evidenced by Nolan. In particular Nolan teaches a pop-up window that appears upon a selection of a data cell. It would have been obvious to one of ordinary skill in the art to add this feature to the method of Shaya with the motivation of providing a method of storing and retrieving data object annotations (Shaya; Col. 3, lines 3-6).

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7. As per claim 2, Shaya does not expressly teach an apparatus further comprised of a memory for storing a file of data representing said user-entered text messages and said identified specific displayed parameters wherein said user entered text messages comprise annotations concerning said specific set of data parameters. However, this is well known in the art as evidenced by Nolan. In particular Nolan teaches a window providing several options including making a nursing annotation to the data cell (Nolan; Col. 5, lines 14-19). It would have been obvious to one of ordinary skill in the art to add this feature to the method of Shaya with the motivation of providing an automated records management system (Nolan; Col. 1, lines 57-62).

8. As per claim 3, Shaya does not expressly teach an apparatus that permits a user to enter text message annotations concerning said identified specific displayed parameters. However, this is well known in the art as evidenced by Nolan. In particular Nolan teaches a window providing several options including making a nursing annotation to the data cell (Nolan; Col. 5, lines 14-19). It would have been obvious to one of ordinary skill in the art to add this feature to the method of Shaya with the motivation of providing an automated records management system (Nolan; Col. 1, lines 57-62).

9. As per claim 4, Shaya teaches an apparatus wherein said identified specific displayed parameters are values representing a trend point in patient medical data derived from a patient monitoring device (Shaya; Col. 6, lines 39-51 and Fig. 4).

10. As per claim 5, Shaya teaches an apparatus wherein said window automatically includes said identified specific displayed parameters together with their associated parameter labels and units of measure (Shaya; Col. 6, lines 39-51 and Fig. 4).

11. As per claim 6, Shaya teaches an apparatus that automatically captures at least one of a (a) a vital sign parameter and (b) time stamp data for display in said window (Shaya; Col. 6, lines 39-51 and Fig. 4).

12. As per claim 7, Shaya does not expressly teach wherein said file of data representing said user-entered text messages and said identified specific displayed parameters comprises an HTML string. However this is well known in the art as evidenced by Nolan. In particular Nolan teaches a hypertext process (Nolan; Col. 2, lines 50-60). It would have been obvious to one of ordinary skill in the art to add this feature to the Shaya method with the motivation of providing a collection of logically organized data (Nolan; Col. 2, lines 45-50).

13. As per claim 8, Shaya teaches wherein said window includes time stamp information associated with said identified specific displayed parameters and time stamp information associated with creation of the note file (Shaya; Col. 6, lines 39-51 and Fig. 4).

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14. As per claim 9, Shaya teaches an apparatus wherein said displayed icon includes an active area responsive to a cursor incident thereon for displaying a subset of the text messages contained in said window (Shaya; Fig. 5 and Col. 8, lines 37-42).

15. Claims 10, 15, and 19 repeat the same features as recited in claim 1 and the reasons for rejection are incorporated herein.

16. Claims 11 and 16 repeat the same features as recited in claim 2 and the reasons for rejection are incorporated herein.

17. As per claim 12, Shaya teaches a method further comprising a visual indicator associated with said specific displayed parameters indicative of said stored note file (Shaya; Fig. 5 and Col. 8, lines 37-42).

18. As per claim 13, Shaya does not expressly teach a method wherein the step of generating said window in response to user activation of a displayed icon further comprises determining whether a note file already exists for said specific displayed parameters. However, this is well known in the art as evidenced by Nolan. In particular Nolan teaches designating a different indicator if annotation already exists (Nolan; Col. 5, lines 36-46). It would have been obvious to one of ordinary skill in the art to add this feature to the method of Shaya with the motivation of providing an automated records management system (Nolan; Col. 1, lines 57-62).

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19. Claim 14 repeat the same features recited in claim 4 and the reasons for rejection are incorporated herein.

20. Claim 17 repeat the same features recited in claim 12 and the reasons for rejection are incorporated herein.

21. Claim 18 repeat the same features recited in claim 6 and the reasons for rejection are incorporated herein.

22. Claim 20 repeat the same features recited in claim 13 and the reasons for rejection are incorporated herein.

Response to Arguments

23. Applicant's arguments with respect to claim 1-20 have been considered but are moot in view of the new ground(s) of rejection. Independent claims 1, 10, 15, and 19 have been amended thus the amendments necessitated the new grounds of rejection for the aforementioned independent claims and the claims dependent upon those claims.

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh-Giang Le whose telephone number is 571-272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


LLe


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER